

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:

ALEXANDER E. JONES

Debtor.

IN RE:

FREE SPEECH SYSTEMS, LLC

Debtor.

**NEIL HESLIN, SCARLETT LEWIS,
LEONARD POZNER, VERONIQUE DE
LA ROSA, AND ESTATE OF MARCEL
FONTAINE,**

Plaintiffs,

v.

**ALEXANDER E. JONES AND
FREE SPEECH SYSTEMS, LLC,**

Defendants.

**BANKRUPTCY
CASE NO. 22-33553 (CML)**

CHAPTER 11

**BANKRUPTCY
CASE NO. 22-60043 (CML)**

CHAPTER 11

NO. _____

COMPLAINT TO DETERMINE DISCHARGEABILITY OF DEBT

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PRAYER FOR RELIEF35

Neil Heslin, Scarlett Lewis, Leonard Pozner, Veronique De La Rosa, and the Estate of Marcel Fontaine (collectively, “Plaintiffs”)¹ file this Complaint to Determine Dischargeability of Debt and respectfully allege as follows:

PRELIMINARY STATEMENT

1. On the morning of December 14, 2012, as six-year-olds Noah Pozner and Jesse Lewis sat in their first-grade classrooms at Sandy Hook Elementary School, a lone gunman armed with a semiautomatic rifle shot through the entrance of their school, walked into their classrooms, and shot and killed them along with eighteen other students and six educators. In the days and years that followed, while Noah’s and Jesse’s parents (the “**Sandy Hook Plaintiffs**”) mourned the deaths of their children, the Debtors repeatedly broadcasted lies about the shooting, calling it an “inside job” and claiming that “there’s a cover-up, there’s actors, they’re manipulating, they’ve been caught lying, and they were pre-planning before it.” According to the Debtors (as defined below), the shooting never happened—and Noah and Jesse never existed. Jones told his audience of millions that he “couldn’t believe it at first. I knew they had actors there, clearly, but I thought they killed some real kids. And it just shows how bold they are that they clearly used actors.”

2. The Debtors singled out the Sandy Hook Plaintiffs specifically. They accused Ms. De La Rosa of conducting a fake interview with Anderson Cooper about her child’s murder. And after Mr. Heslin recounted the trauma of holding his son’s body with a bullet hole in his head, the Debtors ran a feature claiming that medical examiner testimony proved his statement was

¹ Plaintiffs have also been referred to as the “**Texas Plaintiffs**” throughout these proceedings, as they all sued the Debtors in state court before the Debtors petitioned for bankruptcy. Four of the Plaintiffs—Neil Heslin, Scarlett Lewis, Leonard Pozner, and Veronique De La Rosa—are parents of children murdered at Sandy Hook Elementary School, and are referred to as the “**Sandy Hook Plaintiffs**.” The fifth Plaintiff is the Estate of Marcel Fontaine, who the Debtors falsely claimed murdered seventeen people at a Parkland, Florida high school, is referred to as “**Marcel**.”

impossible. The Debtors also broadcast Mr. Pozner's mailing address and email address to their viewers, claiming he was a threat to the Second Amendment.

3. Sandy Hook is not the only national tragedy that the Debtors have exploited. Jones has built an empire spreading conspiracy theories about mass shootings and other terrorist attacks. For example, the day of the shooting at Marjory Stoneman Douglas High School in Parkland, Florida (which Jones later claimed was a "false flag" operation), the Debtors published a photo of Plaintiff Marcel Fontaine, claiming he was the shooter. That was a lie: Marcel had no connection to the school. He had never even set foot in Florida. Thus, like the Sandy Hook Plaintiffs, Mr. Fontaine shared in the nightmare of being an innocent victim of the Debtors' business strategy of using willful and malicious lies to garner attention and make money.

4. The Debtors have already been found liable for defamation and intentional infliction of emotional distress for their lies regarding the Sandy Hook shooting. In August 2022, a Texas jury awarded Neil Heslin and Scarlett Lewis \$49.3 million in damages against the Debtors for lying about their son's death at Sandy Hook.² In Leonard Pozner and Veronique De La Rosa's case, the court rendered a default judgment against the Debtors for their false claims, conclusively establishing the truth of the facts alleged in the Pozner/De La Rosa Petition (as defined below). Thus, the Debtors are precluded from relitigating the findings from those cases. Marcel Fontaine was the first to sue the Debtors in state court, and his claims were also set to proceed to trial until the Debtors deployed the bankruptcy system to stall the litigation. Collectively, the Pozner/De La Rosa Action and the Fontaine Action (each as defined below) are likely to yield damages verdicts exceeding the judgment rendered in the Heslin/Lewis Action (as defined below).

² Another group of parents whose children were murdered in the Sandy Hook shooting (the "**Connecticut Plaintiffs**") sued the Debtors in Connecticut (the "**Connecticut Action**") for defamation and related claims. They won a nearly \$1.5 billion verdict against the Debtors.

5. The Sandy Hook Plaintiffs can never erase the emotional distress and harm they suffered when the Debtors falsely told millions of viewers that Sandy Hook was staged. They can never return to a time before their six-year-old children’s deaths were exploited to boost the Debtors’ bottom line. Marcel Fontaine died at age twenty-nine without getting his day in court. His estate pursues his claims for injuries suffered when the Debtors published his photo to millions and falsely claimed that he was a mass murderer. Plaintiffs will never have a clean slate. Neither should the Debtors.

6. The Bankruptcy Code provides that a debtor cannot discharge its debt for “willful and malicious injury.” 11 U.S.C. § 523(a)(6). The Debtors’ conduct, as found by the trial courts in the Sandy Hook Plaintiffs’ cases and established in the Fontaine Action, easily meets this standard. The Debtors did not just tell a lie about the Plaintiffs. They have engaged in a continuing campaign of lies over a decade, encouraging the InfoWars audience to investigate and harass Plaintiffs, while ignoring Plaintiffs’ repeated pleas to stop—all to boost profits. The Debtors’ conduct epitomizes willful and malicious injury, as demonstrated by the record in the Texas Actions. Accordingly, Plaintiffs bring this proceeding to determine that the Debtors’ liability to them is nondischargeable under section 523(a)(6) of the Bankruptcy Code.

PARTIES

7. Plaintiff Neil Heslin is an individual residing in the State of Connecticut. Mr. Heslin initiated the action *Heslin v. Jones, et al.*, Case No. D-1-GN-18-001835, in the 261st Judicial District Court of Travis County, Texas (the “**Heslin Action**”) against the Debtors.

8. Plaintiff Scarlett Lewis is an individual residing in the State of Connecticut. Ms. Lewis initiated the action *Lewis v. Jones, et al.*, Case No. D-1-GN-18-006623, in the 98th Judicial District Court of Travis County, Texas (the “**Lewis Action**”) against the Debtors, which case was subsequently consolidated with the Heslin Action (as consolidated, the “**Heslin/Lewis Action**”).

9. Plaintiff Leonard Pozner is an individual residing in the State of Florida. Mr. Pozner and Plaintiff Veronique De La Rosa initiated the action *Pozner v. Jones, et al.*, Case No. D-1-GN-18-001842, in the 345th Judicial District Court of Travis County, Texas (the “**Pozner/De La Rosa Action**”) against the Debtors.

10. Plaintiff Veronique De La Rosa is an individual residing in the State of Florida. Along with Mr. Pozner, Ms. De La Rosa initiated the Pozner/De La Rosa Action against the Debtors.

11. Plaintiff Estate of Marcel Fontaine pursues the claims of Marcel Fontaine, an individual who resided in the State of Massachusetts until his death. Marcel initiated the action *Fontaine v. Jones, et al.*, Case No. FSB-CV18-6075078-S, in the 459th Judicial District Court of Travis County, Texas (the “**Fontaine Action**” and, together with the Heslin/Lewis Action and Pozner/De La Rosa Action, the “**Texas Actions**”).³

12. Defendant Alexander E. Jones (“**Jones**”) is the debtor in Case No. 22-33553 (CML) and a defendant in the Texas Actions. Jones resides in Austin, Texas.

13. Defendant Free Speech Systems, LLC (“**FSS**” and, together with Jones, the “**Debtors**”) is the debtor in Case No. 22-60043 (CML) and a defendant in the Texas Actions. FSS is a Texas limited liability company wholly owned by Jones.

JURISDICTION AND VENUE

14. Plaintiffs commence this adversary proceeding pursuant to Rules 4007, 7001(6), and 7001(9) of the Federal Rules of Bankruptcy Procedure. This Court has jurisdiction to determine nondischargeability under Section 523 of Title 11 of the United States Code (the

³Marcel Fontaine died in May of 2022. The Fontaine Action continues on behalf of Marcel’s estate (the “**Estate of Marcel Fontaine**”).

“Bankruptcy Code”) and Sections 157 and 1334 of Title 28 of the United States Code. This adversary action is a core proceeding pursuant to Section 157(b)(2)(1) of Title 28 of the United States Code and relates to the petitions filed by Debtors Alexander E. Jones (Case No. 22-33553 (CML)) and Free Speech Systems, LLC (Case No. 22-60043 (CML)) under Chapter 11 of the Bankruptcy Code. Plaintiffs consent to entry of final order(s) or judgment by this Court.

15. Venue is proper in this district pursuant to Sections 1408 and 1409 of Title 28 of the United States Code.

FACTUAL BACKGROUND

A. *The Sandy Hook Plaintiffs’ Children Are Murdered at School.*

16. For the Sandy Hook Plaintiffs, the morning of December 14, 2012 started the same as any other day. Scarlett Lewis got her six-year-old son Jesse Lewis, up and ready for school, then bundled him up and brought him outside to his father Neil Heslin, who would drive him to Sandy Hook Elementary.⁴ On his way to his dad’s car, Jesse wrote a message to his mother in the frost on her car: “I love you.”⁵ Ms. Lewis ran to get her phone and took a picture of Jesse and the note before she sent him on his way.⁶ She did not know it then, but those words that soon melted away were the last he would ever write to her. Mr. Heslin took Jesse to the local deli to get a sausage, egg and cheese sandwich and a hot chocolate.⁷ Around 9:00 a.m., Mr. Heslin hugged his son tight and dropped him off at school.⁸

⁴ Aug. 2, 2022 Heslin/Lewis Trial Tr. 94:3-5.

⁵ *Id.* at 94:11-15.

⁶ *Id.* at 94:18-95:1.

⁷ *Senate Judiciary Committee Hearing on the Assault Weapons Ban of 2013 S. 150*, 113th Cong. (2013) (Testimony of Neil Heslin), 1 (Feb. 27, 2013), available at <https://www.judiciary.senate.gov/imo/media/doc/2-27-13HeslinTestimony.pdf> (“Heslin Senate Judiciary Committee Testimony”).

⁸ *Id.*

17. Around the same time, Leonard Pozner drove his three children—Noah, his twin Arielle, and older sister, Sophia—to nearby Sandy Hook Elementary School.⁹ Mr. Pozner played Noah’s favorite song, “Gangnam Style,” and tickled his ankles as he drove.¹⁰ When they arrived at school, Mr. Pozner dropped the kids off, told them he loved them, and went on his way. He did not know that it was the last time he would see Noah alive.¹¹

18. Shortly after 9:30 a.m., twenty-year-old Adam Lanza pulled up to Sandy Hook Elementary School carrying a semi-automatic rifle and two handguns.¹² Lanza, who had just murdered his mother, shot his way through the locked entrance of the school he had attended many years before, then shot and killed the principal and school psychologist as they ran into the hallway to respond to the break-in.¹³ Lanza then shot and injured two more staff members as he made his way to the main office.¹⁴

19. More staff members crouched in terror in the office. Lanza did not see them. He walked down the hall and into a first grade classroom, opening fire and killing fifteen children, their substitute teacher, and a teacher’s aide.¹⁵ Only one child survived.¹⁶ Lanza then entered

⁹ Reeves Weideman, *The Sandy Hook Hoax*, New York Magazine (Sept. 15, 2016), <https://nymag.com/intelligencer/2016/09/the-sandy-hook-hoax.html>.

¹⁰ Hadley Freedman, *Sandy Hook father Leonard Pozner on death threats: ‘I never imagined I’d have to fight for my child’s legacy,’* The Guardian (May 2, 2017, 11:05 AM), <https://www.theguardian.com/us-news/2017/may/02/sandy-hook-school-hoax-massacre-conspiracists-victim-father>.

¹¹ *Id.*

¹² *Report of the State’s Attorney for the Judicial District of Danbury on the Shootings at Sandy Hook Elementary School and 36 Yogananda Street, Newtown, Connecticut on December 14, 2012*, Office of the State’s Attorney Judicial District of Danbury, 1 (Nov. 25, 2013), available at <https://portal.ct.gov-/media/DCJ/SandyHookFinalReportpdf.pdf> (the “CT State’s Attorney Final Report”).

¹³ CT State’s Attorney Final Report 1.

¹⁴ *Id.*

¹⁵ *Id.* at 2.

¹⁶ *Id.* at 10.

another first grade classroom, again opening fire on the children and educators in the room. When he stopped to reload, Jesse Lewis yelled to his classmates to run. Thanks to Jesse, nine of his peers escaped. But Jesse did not.¹⁷ Lanza slaughtered the five students and two educators who remained in the room.¹⁸ With police closing in, Lanza shot himself in the head. The rampage lasted less than 11 minutes.¹⁹ Because of the Debtors' lies, the Sandy Hook Plaintiffs' anguish would last much longer.

20. Meanwhile, as far as the Sandy Hook Plaintiffs knew, their six-year-old sons were sitting in their classrooms as they had left them a half hour before—happy and healthy. Mr. Heslin and Ms. Lewis were scheduled to return to the school just a few hours later to make gingerbread houses with Jesse's class.²⁰ But when they received the school's automated emergency alert, they rushed back early, as did Plaintiffs Veronique De La Rosa and Leonard Pozner, and were brought to a nearby firehouse where parents and surviving students gathered.

21. Ms. De La Rosa quickly found Mr. Pozner and their daughters Sophia and Arielle. But Noah was nowhere to be found. Nor was Jesse Lewis. The Sandy Hook Plaintiffs sat in the firehouse for hours waiting for news of their missing children. By 3:30 or 4:00 p.m., authorities announced that there were no more survivors.²¹ Mr. Heslin stayed at the firehouse anyway, holding out hope that Jesse was still hiding somewhere in the school. Around 1:30 a.m., officials broke the news that Jesse would never come home.²²

¹⁷ Heslin Senate Judiciary Committee Testimony 2.

¹⁸ CT State's Attorney Final Report 2.

¹⁹ *Id.*

²⁰ Aug. 2, 2022 Heslin/Lewis Trial Tr. 94:5-7.

²¹ Heslin Senate Judiciary Committee Testimony 4.

²² *Id.*

22. Within the week, the Sandy Hook Plaintiffs buried their sons. They grieved the unfathomable death of their young children in the national spotlight.

B. *The Debtors Broadcast False Claims that the Sandy Hook Shooting Was “A Total Hoax” and the Sandy Hook Plaintiffs—and Their Dead Children—Were “Actors.”*

23. Meanwhile, the Debtors began broadcasting to millions of InfoWars.com viewers that the Sandy Hook shooting was fake, the victims never existed, and their parents, including the Sandy Hook Plaintiffs, were paid actors hired as part of a larger plot to strip Americans of their guns. These lies began on the afternoon of the shooting, in a broadcast for FSS that Jones titled “Connecticut School Massacre Looks Like False Flag Says Witnesses.”²³ That was a lie. The Debtors had no witnesses. The shooting was not a hoax. The parents of the victims were not actors. Or activists. Or puppets in a government conspiracy. They were real. The bullets were real. And their children were dead.

24. The Debtors did not stop with one defamatory statement about Sandy Hook.²⁴ In the eleven days leading up to Christmas 2012, they continued to claim that the shooting was part of a conspiracy. On December 17th, the Debtors (through InfoWars) broadcast a segment named “Creepy Illuminati Message in Batman Movie Hints at Sandy Hook School.”²⁵ On December 19th, they broadcast “Sandy Hook Second Shooter Cover-Up.”²⁶ On December 21st, the Debtors doubled down on their absurd and bizarre claim that the latest Batman movie provided evidence

²³ Heslin/Lewis Pl. Video Ex. 1; July 27, 2022 Heslin/Lewis Trial Tr. Vol. 2, 6:4-10; *Pozner v. Jones, et. al.*, Case No. D-1-GN-18-001842, Plaintiffs’ First Amended Petition (the “**Pozner/De La Rosa Petition**,” attached hereto as Exhibit 11) ¶ 11 (July 31, 2018).

²⁴ Due to the Debtors’ obstructionist discovery tactics, the full scope of their defamatory statements is unknowable. FSS’ corporate representative confirmed that the state court did not even have access to the full universe of Sandy Hook videos and “there’s a lot of videos that InfoWars might not be able to find anymore.” July 27, 2022 Heslin/Lewis Trial Tr. Vol. 2, 34:23-25.

²⁵ *Id.* at 6:19-23.

²⁶ *Id.*

that the shooting was a hoax in an episode titled “Lower Part of Gotham Renamed ‘Sandy Hook’ in Dark Knight Film.”²⁷

25. 2013 brought more of the Debtors’ lies. On January 10, 2013, the Debtors broadcasted “Professor Claims Sandy Hook Massacre MSM Misinformation.”²⁸ Five days later, the Debtors (through InfoWars) ran “Sandy Hook AR-15 Hoax? Still No School Surveillance Footage.”²⁹ In a January 27, 2013 episode titled “Why People Think Sandy Hook is a Hoax,” Jones told his audience, “[i]n the last month and a half, I have not come out and said this was a clearly staged event. Unfortunately, evidence is beginning to come out that points more and more in that direction.”³⁰ The “evidence” cited by Jones was his own false claim that Plaintiff Veronique De La Rosa’s interview with Anderson Cooper about her son Noah Pozner was faked.

26. Mr. Pozner, an occasional listener of the show, heard the broadcast and reached out to the Debtors to set the record straight. He emailed Jones about the hate and suffering InfoWars was spreading:

Alex,
 I am very disappointed to see how many people are directing more anger at families that lost their children in Newtown. Accusing us of being actors . . . Haven’t we had our share of pain and suffering? All these accusations of government involvement, false flag terror, new world order etc. I used to enjoy listening to your shows prior to 12-14-12. Now I feel that your type of show created these hateful people and they need to be reeled in!³¹ (ellipsis in original)

27. Mr. Pozner received a response from InfoWars’ Chief Editor, assuring him that the Debtors had “not promoted the ‘actors’ thing” and that they knew it was “a very real tragedy with

²⁷ *Id.* at 6:24-7:3.

²⁸ *Id.* at 7:4-8.

²⁹ *Id.* at 7:9-13.

³⁰ Heslin/Lewis Pl. Video Ex. 5.

³¹ Heslin/Lewis Pl. Ex. 48 (ellipsis in original).

very real victims.”³² Half of that was true. Jones and FSS knew well that the Sandy Hook shooting was real. But on air, Jones told a much different story.

28. Two months later, on March 27, 2013, the Debtors aired an episode titled “Sandy Hook was a Total False Flag!”³³ Another episode followed on April 1, 2013, titled “Crisis Actors Used at Sandy Hook! Special Report.”³⁴ For the next *nine years*, the Debtors would make their Sandy Hook denial spectacle a core component of InfoWars’ programming, enriching themselves in the process.

29. By 2014, Jones was telling his audience increasingly absurd tales to support his lies. On March 14, 2014, in an episode titled “Sandy Hook, False Narratives vs. The Reality,” Jones alleged that the United Way was part of the plot, and told his audience, “undoubtedly, there’s a cover-up, there’s actors, they’re manipulating, they’ve been caught lying, and they were pre-planning before it and rolled out with it.”³⁵ The episodes continued. On May 9, 2014, “Revealed: Sandy Hook Truth Exposed.”³⁶ On May 13, 2014, “Sandy Hook Massacre was a DHS Illusion Says School Safety Expert.”³⁷ The Debtors (through InfoWars) continued to publish articles throughout 2014 alleging that the shooting was staged.³⁸ One particularly ugly broadcast came on September 25, 2014, in an episode titled “Sandy Hook Deaths Missing from FBI Report,” in which

³² *Id.*

³³ July 27, 2022 Heslin/Lewis Trial Tr. Vol. 2, 8:18-9:3.

³⁴ *Id.* at 10:6-9.

³⁵ See Heslin/Lewis Pl. Video Ex. 8;
<https://www.mediamatters.org/embed/clips/2016%3A11%3A29%3A51283%3Agcn-alexjones-20140314-shooting>.

³⁶ July 27, 2022 Heslin/Lewis Trial Tr. Vol. 2, 23:7-11.

³⁷ *Id.* at 24:21-25:3.

³⁸ See generally *id.* at 23:7-43:9 (detailing at least seven separate InfoWars broadcasts or articles lying about the Sandy Hook shooting from May to December 2014).

Jones did mock imitations of crying parents and stated, “there are photos of kids who are still alive they said died.”³⁹ That same day, the Debtors published a story to the InfoWars website titled “FBI Says Nobody Killed at Sandy Hook.”⁴⁰ Evidence at the Heslin/Lewis trial showed that it was InfoWars’ third most popular article or broadcast ever.⁴¹

30. In December 2014, after his pleas to the Debtors were ignored, Mr. Pozner began making complaints to YouTube. On December 9, 2014, this resulted in an InfoWars video being removed from YouTube. InfoWars published an article that day outing Mr. Pozner and his complaints to its audience, while also disclosing his business, with a comment stating, “[t]his guy’s company would come in handy to any Sandy Hook hoax perpetrators...”⁴²

31. Jones continued to double-down, and on December 28, 2014, he told his InfoWars audience, “the whole thing is a giant hoax. How do you deal with a total hoax? It took me about a year, with Sandy Hook, to come to grips with the fact that the whole thing was fake.”⁴³

32. On January 2, 2015, the Debtors published an article about Noah Pozner titled “Sandy Hook Victim Dies (Again) in Pakistan.”⁴⁴ In an episode the following week, Jones told his audience that “Sandy Hook is a synthetic, completely fake with actors, in my view, manufactured [event]. I couldn’t believe it at first. I knew they had actors there, clearly, but I thought they killed some real kids. And it just shows how bold they are that they clearly used

³⁹ Heslin/Lewis Pl. Video Ex. 10.

⁴⁰ Heslin/Lewis Pl. Ex. 39.

⁴¹ July 27, 2022 Heslin/Lewis Trial Tr. 31:1-33:15.

⁴² Heslin/Lewis Pl. Ex. 56.

⁴³ Heslin/Lewis Pl. Video Ex. 12;
<https://www.mediamatters.org/embed/clips/2016%3A11%3A29%3A51292%3Agcn-alexjones-20141228-sandyhook>.

⁴⁴ Heslin/Lewis Pl. Ex. 59.

actors. I mean, they even ended up using photos of kids killed in mass shootings here in a fake mass shooting in...Pakistan.”⁴⁵

33. Mr. Pozner again complained to YouTube, resulting in a “strike” against the InfoWars YouTube Channel. Infuriated, Jones devoted his February 12, 2015 show to attacking Mr. Pozner, telling his audience that Mr. Pozner was “going after the Second Amendment.”⁴⁶ During the episode, the Debtors showed maps to Mr. Pozner’s Florida mailing address and claimed that Mr. Pozner needed to be investigated.⁴⁷

34. Shortly after, one of the Debtors’ fans took up Jones’s cause. An avid InfoWars viewer in Florida named Lucy Richards began stalking Mr. Pozner and leaving death threats on his voicemail and email, telling him “you gonna die, death is coming to you real soon” and “LOOK BEHIND YOU IT IS DEATH.”⁴⁸ The following year she was apprehended by the FBI and sentenced to federal prison.

35. Jones’s lies continued throughout 2015. In June 2015, he sent his reporter Dan Bidondi to Newtown, Connecticut, where Mr. Bidondi accosted local residents and town officials, heckling them with claims that they were “going to jail” because of their lies, calling them “scumbags,” and yelling to passersby that “Sandy Hook was an inside job.”⁴⁹

⁴⁵ Heslin/Lewis Pl. Video Ex. 13; <https://www.mediamatters.org/embed/clips/2016%3A11%3A29%3A51290%3Agcn-alexjones-20150113-shooting>.

⁴⁶ Heslin/Lewis Pl. Video Ex. 14.

⁴⁷ July 27, 2022 Heslin/Lewis Trial Tr. Vol. 2, 83:23-25, 85:7-8.

⁴⁸ Daniella Silva, *Conspiracy Theorist Arrested for Death Threats Against Sandy Hook Parent* (Dec. 7, 2016), <https://www.nbcnews.com/news/us-news/conspiracy-theorist-arrested-death-threats-against-sandy-hook-parent-n693396>.

⁴⁹ Heslin/Lewis Pl. Video Ex. 27; Heslin/Lewis Pl. Video Ex. 28.

36. Even by Jones's own account, by July 2015, he "realized [the Sandy Hook shooting] probably did happen" and "there was a good chance I was wrong" about the fabrications he broadcasted to millions.⁵⁰ Still, the Debtors' coverage continued. In July, InfoWars published "Mega Massive Cover Up: Retired FBI Agent Investigates Sandy Hook."⁵¹ On July 7, 2015, Jones again accused Ms. De La Rosa of faking her interview with Anderson Cooper, telling InfoWars viewers that the shooting was "staged" and comparing it to "[w]hen you take your kids to see the Haunted House and ghosts are flying around, it's not real, folks."⁵² An internal email from September 30, 2015 shows that InfoWars employees were seeking to use Sandy Hook videos as "strategic Facebook uploads" to attract more viewers.⁵³

37. As Jones's ridiculous lies and harassment continued, he was confronted by InfoWars' Chief Editor Paul Watson. On December 17, 2015, Mr. Watson told Jones in a text message: "This Sandy Hook stuff is killing us. It's promoted by the most batshit crazy people like Rense and Fetzer who all hate us anyway. Plus it makes us look really bad to align with people who harass the parents of dead kids. It's gonna hurt us with Drudge and bringing bigger names into the show."⁵⁴

38. In the Heslin/Lewis Action, deposition testimony from Free Speech Systems, LLC's corporate representative confirmed that the company was aware its sources James Fetzer and Wolfgang Halbig, were mentally unwell. With respect to Mr. Fetzer, FSS's corporate

⁵⁰ Aug. 3, 2022 Heslin/Lewis Trial Tr. 17:23-18:9.

⁵¹ July 27, 2022 Heslin/Lewis Trial Tr. 140:16-22.

⁵² Heslin/Lewis Pl. Video Ex. 16,
<https://www.mediamatters.org/embed/clips/2016%3A11%3A29%3A51284%3Agcn-alexjones-20150707-shooting>.

⁵³ Heslin/Lewis Pl. Ex. 71.

⁵⁴ Heslin/Lewis Pl. Ex. 73.

representative testified that “the company had in its possession an extremely large volume of e-mails from Mr. Fetzer which clearly reveal to any rational person that Mr. Fetzer is not mentally balanced.”⁵⁵ With respect to another source, Wolfgang Halbig, FSS’s corporate representative “agree[d] that there are plenty of e-mails he sent in 2014 that the company did in fact read and thanked him for that are crazy.”⁵⁶

39. Nonetheless, the Debtors’ deception continued. On November 18, 2016, Jones told his InfoWars audience, “[t]he official story of Sandy Hook has more holes in it than Swiss cheese....If children were lost at Sandy Hook, my heart goes out to each and every one of those parents. And the people who say they’re parents that I see on the news. The only problem is, I’ve watched a lot of soap operas. And I’ve seen actors before. And I know when I’m watching a movie and when I’m watching something real.”⁵⁷

40. On the same day that Jones made these comments accusing the parents of being actors, his cousin Buckley Hamman, an InfoWars manager, commented to InfoWars’ Chief Editor Paul Watson about how ridiculous the Sandy Hook “actor” claims were.⁵⁸ Mr. Hamman joked about InfoWars’ ranking on Quantcast.com, saying, “But no! Surely it’s a conspiracy theory that they are trying to suppress our popularity so that lizard people can return to the ascension pad at Sandy Hook and feast on Sacrificed crisis actors! lol.”⁵⁹ To its audience, the Debtors (through InfoWars) portrayed its Sandy Hook “reporting” as real. But internal discussions show that InfoWars’ own managers and editors knew it was a ridiculous lie.

⁵⁵ Heslin/Lewis Trial, Brittany Paz Dep. 251:08-252:02.

⁵⁶ *Id.* at 181:18-182:22.

⁵⁷ Heslin/Lewis Pl. Video Ex. 18.

⁵⁸ July 27, 2022 Heslin/Lewis Trial Tr. Vol. 2, 186:18-187:10.

⁵⁹ Heslin/Lewis Pl. Ex. 77.

41. On April 22, 2017 in an episode titled “Sandy Hook Vampires Exposed,” Jones called Ms. De La Rosa out specifically, again accusing her of conducting a fake interview with Anderson Cooper and telling his viewers not to “believe any of it.”⁶⁰

42. The Debtors continued their bogus claims long after Plaintiffs, the press, and the public begged them to stop. Mr. Heslin appeared on *Sunday Night with Megyn Kelly* on June 19, 2017 and described the horror of holding his dead child with a bullet hole in his head and the harm the Debtors’ lies caused to him and his family.⁶¹ By that time, it was obvious that the Debtors were lying; reputable news outlets reported on the negative impact of Jones’s conspiracy theories extensively and his lies were a topic of discussion in the 2016 presidential debate.⁶²

43. But the Debtors continued. Eight days after Mr. Heslin’s appearance, on June 26, 2017, InfoWars ran a feature alleging “[t]he statement [Heslin] made, fact-checkers on this have said cannot be accurate. He’s claiming that he held his son and saw the bullet hole in his head. That is his claim. Now, according to a timeline of events and a coroner’s testimony, that is not

⁶⁰ Heslin/Lewis Pl. Video Ex. 20; Pozner/De La Rosa Petition ¶¶ 12-16.

⁶¹ See Heslin/Lewis Pl. Video Ex. 22. In addition to interviewing Mr. Heslin, Ms. Kelly also included a separate interview with Jones in the broadcast. Jones’s lies were so pervasive by that time that Ms. Kelly’s decision to even give Jones a platform to spread his falsehoods was met with widespread condemnation. See Bernie Woodall, *NBC’s Megyn Kelly defends Alex Jones interview after criticism*, Reuters (June 13, 2017), <https://www.reuters.com/article/us-nbc-megynkelly-alexjones/nbcs-megyn-kelly-defends-alex-jones-interview-after-criticism-idUSKBN1942TW> (acknowledging the controversy surrounding Kelly’s decision; noting advertisers pulled commercials and nonprofit organizations disinvited Kelly from events).

⁶² See, e.g., Reeves Weideman, *The Sandy Hook Hoax*, New York Magazine (Sept. 15, 2016), <https://nymag.com/intelligencer/2016/09/the-sandy-hook-hoax.html>; Timothy Johnson, *Trump Ally Alex Jones Doubles Down on Sandy Hook Conspiracy Theories*, Media Matters for America (Nov. 17, 2016, 3:09 PM), <https://www.mediamatters.org/donald-trump/trump-ally-alex-jones-doubles-down-sandy-hook-conspiracy-theories>; Hadley Freedman, *Sandy Hook father Leonard Pozner on death threats: ‘I never imagined I’d have to fight for my child’s legacy,’* The Guardian (May 2, 2017, 11:05 AM), <https://www.theguardian.com/us-news/2017/may/02/sandy-hook-school-hoax-massacre-conspiracists-victim-father>.

possible.”⁶³ On July 20, 2017, the Debtors (through InfoWars) rebroadcasted the June 26th feature in full, with Jones commenting, “[t]he stuff I found was they never let them see their bodies.”⁶⁴

44. Jones continued his lies throughout the year, again telling his audience on October 26, 2017 that Ms. De La Rosa’s interview was part of the “fake newscasts, with blue screens” and that the shooting was “phony as a three-dollar bill.”⁶⁵

C. *Nikolas Cruz Commits the Deadliest High School Shooting in U.S. History; FSS Falsely Claims Marcel Fontaine Did it and Publishes His Picture to Millions.*

45. A few months later, another terrible school shooting took place, and the Debtors lied about that one too. On February 14, 2018, nineteen-year-old Nikolas Cruz killed seventeen people and wounded seventeen others at Marjory Stoneman Douglas High School in Parkland, Florida.

46. On the day of the shooting, FSS (through InfoWars) published an article alternatively titled “Reported Florida Shooter Dressed as Communist,”⁶⁶ “Reported Florida Shooter Dressed as Communist, Supported ISIS,”⁶⁷ and “[main stream media] already covering it up.”⁶⁸ The article “included a clear photo of Marcel Fontaine below the text ‘another alleged photo of the suspect shows communist garb’ and with the caption ‘Shooter is a commie.’”⁶⁹

⁶³ Heslin/Lewis Pl. Video Ex. 23.

⁶⁴ Heslin/Lewis Pl. Ex. 100.

⁶⁵ Heslin/Lewis Pl. Video Ex. 24.

⁶⁶ Kit Daniels Dep. 40:16-20.

⁶⁷ *Id.* at 40:21-23.

⁶⁸ *InfoWars, LLC; Free Speech Systems, LLC; and Kit Daniels, Appellants v. Marcel Fontaine, Appellee*, Case No. 03-18-00614-CV, Memorandum Opinion, 2 (Tex. App.—Austin [3rd Dist.] Oct. 24, 2019) (the “**Fontaine Appellate Opinion**,” attached hereto as Exhibit 2).

⁶⁹ *Id.*



R: 0
Shooter is a commie:

47. The article was featured on the front page of the InfoWars website and was viewed 118,562 times on February 14th alone.⁷⁰ InfoWars shared the article with third-party news outlets, which also posted it.⁷¹

48. Marcel was not the Parkland shooter. He had never been to Parkland. He had never even set foot in Florida.⁷² He was a random twenty-four-year-old kid targeted because he was pictured wearing a novelty t-shirt that depicted Karl Marx, Stalin, and others attending a communist “party.”⁷³ FSS found Marcel’s picture posted by an unidentified user on 4chan.org,⁷⁴ an anonymous web forum notorious for memes and Internet trolling. As the Sixth Circuit noted, “a key component of the culture of 4chan consists of anonymous posters making claims that are

⁷⁰ *Fontaine v. Jones, et al.*, Case No. D-1-GN-18-001605, Plaintiff’s Original Petition, Interrogatories, Request for Production, Request for Admissions, and Request for Disclosure (the “**Fontaine Petition**,” attached hereto as Exhibit 1) ¶ 28; *Fontaine v. Jones*, Case No. D-1-GN-18-1605, Defendant InfoWars, LLC’s Answers to Plaintiff’s First Set of Interrogatories, 3 (June 2, 2021) (the “**Fontaine Defendants’ Response to First Set of Interrogatories**”).

⁷¹ *Id.* at 4.

⁷² *Fontaine Petition* ¶ 27.

⁷³ *Fontaine Defendants’ Response to First Set of Interrogatories* 5.

⁷⁴ *Id.* at 4.

not in fact true.”⁷⁵ The Sixth Circuit warned that “[e]ven more so than most anonymous tips, statements made on 4chan have no indicia of reliability.”⁷⁶ InfoWars’ editor Kit Daniels, who published Marcel’s image, knew that 4chan was not a credible source. A few months earlier, Kit Daniels had written an article mocking the BBC for reporting on information from a 4chan troll.

BBC FALLS VICTIM TO 4CHAN TROLLING – MSM CAUGHT SOUNDING LIKE IDIOTS

BBC claims visiting 4Chan constitutes “investigative journalism”

Kit Daniels | Infowars.com - AUGUST 24, 2017 226 Comments

49. After FSS had broadcasted Marcel’s picture and the lie that he was the Parkland shooter, Marcel’s photograph spread rapidly on social media. The InfoWars article with Marcel’s photo was published verbatim by numerous right-wing news websites, North Carolina legislator Larry Pittman shared comments about it, stating it was “not surprising” Marcel was the shooter because “many of these shooters turn out to be communist democrats” who “are doing these things to push for gun control so they can more easily take over the country.”⁷⁷ FSS’s lies were heard around the world; users on Chinese social media sites reposted Marcel’s photo in discussions about the killer.⁷⁸ Marcel’s hometown and job location were also revealed online.⁷⁹ Hundreds of millions of people saw the false accusation.⁸⁰

⁷⁵ *United States v. Kernell*, 667 F.3d 746, 752 (6th Cir. 2012).

⁷⁶ *Id.* at 751.

⁷⁷ Fontaine Petition ¶¶ 30-32.

⁷⁸ *Id.* at ¶ 33.

⁷⁹ Kit Daniels Dep. 141:6-15.

⁸⁰ *Id.*

50. The next day, InfoWars shifted its story on the shooting, claiming that it was actually “a false flag of the deep state.”⁸¹ But they made no effort to retract the defamatory photo and claim that Marcel was the shooter.⁸² And viewers continued to believe that Marcel was involved in the plot.⁸³ For example, one InfoWars viewer posted to Twitter close-up photos purporting to be a facial analysis between Marcel and Nikolas Cruz, alleging the shape of Marcel’s nose had been altered, consistent with the use of “crisis actors” in the shooting.⁸⁴



51. On February 26, 2018, Marcel issued a demand for correction pursuant to Section 73.055 of the Texas Civil Practice & Remedies Code.⁸⁵ The Debtors did not respond until after Marcel sued.⁸⁶

D. The Debtors Broadcast These Lies to Attract Viewers and Sell Dietary Supplements and Doomsday Kits.

52. While Jones is best known for his bombastic personality and conspiracy theory-laden rants, the content of his broadcasts is really used to drive his primary business—selling

⁸¹ Fontaine Petition ¶ 34.

⁸² Fontaine Appellate Opinion 2.

⁸³ *Id.* at ¶ 37.

⁸⁴ *Id.* at ¶ 38.

⁸⁵ Fontaine Petition ¶ 42.

⁸⁶ *Id.*

dietary supplements. In fact, the “vast majority of FSS revenues comes from the sale of Supplements.”⁸⁷ FSS is a “single talent business” with “a unique audience that is highly loyal to Alex Jones and purchases products based on Alex Jones’s credibility....Historically, approximately 80% of FSS’ revenue is derived from product sales[.]”⁸⁸

53. The Debtors’ business model is based on stoking outrage and panic among the InfoWars audience. Jones feeds his audience a steady diet of false information intended to convince them that a shadowy network of global elites is scheming to destroy their way of life.⁸⁹ For example, in addition to claiming that the Parkland shooting was a false flag designed to create resentment towards conservatives and gun owners and sow the seeds of civil war,⁹⁰ Jones has also claimed that 9/11 was an “inside job” involving the U.S. government.⁹¹ Indeed, Jones testified at trial about a wide variety of mass shootings and bombings, admitting that he told his audience they were all “false flags.”⁹² Jones does not say these things because he believes them; he says them because they make him money. Calling national tragedies “false flags” is a key part of InfoWars’ marketing strategy.

54. Jones also portrays communism as a real and imminent threat. He has claimed that there is a vast communist conspiracy to make American men effeminate by tainting the U.S. water supply, telling his viewers, “[w]hat do you think tap water is? It’s a gay bomb, baby....I don’t like

⁸⁷ *In re Free Speech Systems, LLC*, Case No. 22-60043 (CML), Declaration of W. Marc Schwartz In Support of Voluntary Petition and First Day Motions ¶ 29 [Docket No. 10].

⁸⁸ *Id.* at ¶ 25, 31.

⁸⁹ Fontaine Petition ¶ 20.

⁹⁰ Aug. 3, 2022 Heslin/Lewis Trial Tr. Vol. 7, 58:15-19.

⁹¹ July 27, 2022 Heslin/Lewis Trial Tr. Vol. 2, 16:24.

⁹² See Aug. 3, 2022 Heslin/Lewis Trial Tr. Vol. 7, 55-60 (detailing Jones’s claims that nearly every mass shooting and terrorist attack in the last fifteen years were false flags, including those at the Boston Marathon, Sutherland Springs Church, Oklahoma City, Parkland, and Las Vegas).

them putting chemicals in the water that turn the frigging frogs gay! Do you understand that? I'm sick of being social engineered, it's not funny!"⁹³ After Jones tells his audience that a boogeyman is coming for them, he directs them to the Debtors' online store, where viewers can buy products like "Brain Force" pills, "Super Male" vitality formulas, "Liver Shield" supplement drops, fluoride-free toothpaste, and post-apocalyptic preparedness accessories to protect themselves from that boogeyman.

55. The Debtors' lies about Sandy Hook were remarkably good for business. Internal InfoWars documents show that the Debtors' viewership and revenue spiked when Jones spread conspiracy theories about Sandy Hook.⁹⁴ For example, Jones posted an article claiming Sandy Hook was a hoax on September 24, 2014 and followed up with an InfoWars segment discussing the article the next day; in just those two days, the Debtors' audience increased from 543,000 to 1 million and revenue rose from \$48,000 to \$230,000.⁹⁵ The Debtors continue to peddle conspiracy theories about Plaintiffs to increase sales. On October 12, 2022, the day the jury in the Connecticut Action awarded the Connecticut Plaintiffs nearly \$1.5 billion in damages, Jones simulcasted the verdict to his audience, telling them, "[t]hey want to scare everybody away from freedom and scare us away from questioning Uvalde and what really happened there or Parkland or any other event. And guess what, we're not scared and we're not going away and we're not going to stop. Literally, for hundreds of thousands of dollars, I can keep them in court for years, I can appeal this stuff. We can stand up against this travesty, against the billions of dollars they want. It's a joke. So

⁹³ Fontaine Petition ¶ 20, n. 25.

⁹⁴ Associated Press, *Infowars Sales Spiked as Jones Talked About Sandy Hook*, U.S. News & World Report (Sept. 15, 2022, 6:05 PM), <https://www.usnews.com/news/us/articles/2022-09-15/infowars-rep-to-return-to-stand-in-sandy-hook-hoax-trial>.

⁹⁵ *Id.*

please go to infowarsstore.com and get vitaminaler fusion, get x3, get all the great products that are there that keep us on air at infowarsstore.com.”⁹⁶

E. The Impact of the Debtors' Lies on the Plaintiffs Was Devastating.

56. The Debtors' false narrative has become so widespread that one out of every four Americans—more than 75 million people—believe the Sandy Hook Plaintiffs are lying about the death of their sons.⁹⁷ Tens of millions of people believe that they are “actors with criminal intent, that this didn't happen, that they're trying to take people's guns away.”⁹⁸ Some judge silently; others confront Plaintiffs. As described below, Mr. Heslin “was shot at, his house was shot at, his car was shot at. There were bullet casings found in his driveway. There are many people who clearly think very intensely, have very intense negative feelings about him and are willing to act on it.”⁹⁹ Mr. Pozner received death threats.¹⁰⁰ He and Ms. De La Rosa have suffered injury to their reputation and image and have been exposed to “public and private hatred, contempt, and ridicule.”¹⁰¹ They are “the subject of harassment, ridicule, and threats to their safety.”¹⁰² Marcel suffered “harassment and peril even from individuals aware of his identity as a Massachusetts resident, but who [either] remain convinced he was part of a horrifying conspiracy” or know he

⁹⁶ The Recount (@therecount), Twitter (Oct. 12, 2022, 4:13 PM), https://twitter.com/therecount/status/1580290464523198465?ref_src=twsr%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1580290464523198465%7Ctwgr%5E7734d14336654a1234c83a2e14aabf45c09b268%7Ctwcon%5Esl&ref_url=https%3A%2F%2Fwww.vanityfair.com%2Fnews%2F2022%2F10%2Falex-jones-sandy-hook-965-million-settlement.

⁹⁷ Aug. 1, 2022 Heslin/Lewis Trial Tr. Vol. 5, 37:1-11.

⁹⁸ *Id.* at 47:13-48:9.

⁹⁹ *Id.* at 48:4-9.

¹⁰⁰ *Supra* ¶ [32].

¹⁰¹ Pozner/De La Rosa Petition ¶ 73.

¹⁰² Pozner/De La Rosa Petition ¶ 84.

was not the shooter but wish him dead anyway because of his perceived communist views.¹⁰³ In a deposition for the Fontaine Action, Kit Daniels, the reporter who posted Marcel's photo to the InfoWars website, broke down in tears when confronted with the abuse Marcel has faced since the defamatory post, acknowledging "I can understand the suffering he's been through[.]"¹⁰⁴

57. Plaintiffs now live in constant fear. Before he died, "it [was] no exaggeration to say that [Marcel's] life remain[ed] in genuine peril."¹⁰⁵ According to Roy Lubit, an expert in psychiatry, Mr. Heslin and Ms. Lewis have "very high levels of anxiety. Probably more in a nonclinical write-up it would say they're terrified."¹⁰⁶ As a result of this terror, they have "pulled away from people tremendously,"¹⁰⁷ "withdrawn from historic friends"¹⁰⁸ and even "withdrawn from society to an extent."¹⁰⁹ Ms. Lewis sleeps with a gun, a knife, and pepper spray by her bed because she is terrified of being attacked.¹¹⁰ Even in extreme heat, she refuses to turn her air conditioner on because she fears the sound may obstruct her ability to hear and evade an assailant.¹¹¹ During the trial, Mr. Heslin and Ms. Lewis were forced to hire private security because

¹⁰³ Fontaine Petition ¶¶ 39-40.

¹⁰⁴ Kit Daniels Dep. 138:18-20.

¹⁰⁵ Fontaine Petition ¶ 41.

¹⁰⁶ Aug. 1, 2022 Heslin/Lewis Trial Tr. Vol. 5, 38:23-39:4.

¹⁰⁷ *Id.* at 40:1-2.

¹⁰⁸ *Id.* at 40:2-3.

¹⁰⁹ *Id.* at 39:24-40:1.

¹¹⁰ *Id.* at 55:1-3.

¹¹¹ *Id.* at 55:3-6.

they were “very, very frightened” of “some follower of Jones trying to kill them.”¹¹² This fear is not caused by the death of their son.¹¹³ It is the result of the Debtors’ lies.¹¹⁴

F. The Debtors’ Victims Bring State Court Actions for Defamation and Intentional Infliction of Emotional Distress.

58. In 2018, Plaintiffs, along with more than a dozen of the Debtors’ other victims, filed suit against Jones and FSS in state court.

i. The Fontaine Action

59. On April 2, 2018, Marcel filed a lawsuit against Jones and FSS for defamation and defamation *per se*, conspiracy, and intentional infliction of emotional distress.¹¹⁵

60. Throughout the case, FSS engaged in persistent and pervasive discovery violations, for which it was repeatedly sanctioned.¹¹⁶ The Debtors were so successful in their quest to delay the Fontaine Action that Marcel died without the opportunity to confront Jones in court about the harm the Debtors’ false statements caused to him. The Fontaine Action continues on behalf of Marcel’s estate and the court is currently considering Plaintiffs’ Motion for Sanctions for False Pleadings, Groundless Removal, and Bad Faith Disruption of Trial, which arises from the Debtors’ attempts to obstruct the state court actions, as described below.

¹¹² Aug. 1, 2022 Heslin/Lewis Trial Tr. Vol. 5, 55:14-21.

¹¹³ *Id.* at 35:8-14.

¹¹⁴ *Id.* at 35:8-14.

¹¹⁵ Fontaine Petition ¶¶ 44-66.

¹¹⁶ See, e.g., Order on Plaintiff’s Motion to Compel and Motion for Sanctions (Jan. 25, 2022) (finding Debtors’ “resistance to the discovery...unreasonable” and ordering Debtors to pay attorney fees) (attached hereto as Exhibit 3); Order on Plaintiff’s Motion for Sanctions Regarding Evidence Tampering (Apr. 1, 2022) (acknowledging the Debtors’ “willful obstruction[, which] is greatly aggravated by [Debtors’] longstanding refusal to participate in discovery in good faith”) (attached hereto as Exhibit 4); Order on Plaintiff’s Motion for Sanctions Regarding Corporate Deposition (Apr. 1, 2022) (acknowledging same) (attached hereto as Exhibit 5).

61. Despite the Debtors' efforts to obstruct the proceeding, the key facts were established: "Free Speech Systems, LLC published [the image of Marcel] on the infowars.com website on February 14, 2018."¹¹⁷ The article was viewed 118,562 times on infowars.com on February 14th alone.¹¹⁸ InfoWars shared the article with third-party news outlets, which also posted it.¹¹⁹ The FSS employee who posted the image found it in an anonymous post on 4chan.org.¹²⁰ He posted it to the InfoWars website, in part because "the shirt worn by Mr. Fontaine in the challenged photo had similarities to Antifa/socialist paraphernalia."¹²¹ As such, the appellate court concluded "that Fontaine has established by clear and specific evidence a *prima facie* case that the article containing his photo was false and defamatory *per se*."¹²²

62. Thus, the record is clear. Nikolas Cruz killed seventeen people at Marjory Stoneman Douglas High School; Marcel Fontaine did not. In an act of deception, FSS broadcasted Marcel's photo to hundreds of millions of people identifying him as the killer.¹²³ The Debtors did not actually believe Marcel was the shooter; in fact, Jones claimed mere hours later that the entire event never even happened.¹²⁴ The Debtors singled Marcel out because of his perceived connection to communism, a popular boogeyman that the Debtors use to market dietary supplements.¹²⁵ The

¹¹⁷ Fontaine Defendants' Response to First Set of Interrogatories 3.

¹¹⁸ *Id.*

¹¹⁹ *Id.* at 4.

¹²⁰ *Id.*

¹²¹ *Id.* at 5.

¹²² Fontaine Appellate Opinion, 11.

¹²³ Fontaine Petition ¶¶ 26, 33.

¹²⁴ *Id.* ¶ 34.

¹²⁵ *Id.* ¶ 28.

Debtors have made every effort to stop the case from advancing to a final judgment, successfully delaying the proceeding so that Marcel would never have his day in court.

ii. The Heslin/Lewis Action

63. On April 16, 2018, Mr. Heslin filed a lawsuit against Jones and FSS. On October 31, 2018, Ms. Lewis filed a similar lawsuit, which was subsequently consolidated with Mr. Heslin's case. Mr. Heslin and Ms. Lewis brought claims for, among other things, defamation and defamation *per se*, conspiracy and intentional infliction of emotional distress.¹²⁶

64. As they did in the Fontaine Action, the Debtors refused to comply with discovery requests and the state court action generally. For over three years, the Debtors' conduct was so egregious that they were repeatedly sanctioned and held in contempt, and eventually the court entered a default judgment on liability, finding the Debtors showed "flagrant bad faith and callous disregard for the responsibilities of discovery" and engaged in "pervasive and persistent obstruction."¹²⁷

65. As a result of the Heslin/Lewis Default Judgments and the denial of fair discovery to the Plaintiffs, the allegations in their Petition are established,¹²⁸ including that the Debtors' statements were "knowingly false,"¹²⁹ that the Debtors' acts were "intentional,"¹³⁰ and done

¹²⁶ *Heslin v. Jones, et al.*, Case No. D-1-GN-18-001835, Plaintiffs' Fourth Amended Petition (the "Heslin/Lewis Petition," attached hereto as Exhibit 6) ¶¶ 86-112.

¹²⁷ *Heslin v. Jones, et al.*, Orders on Plaintiff's Motion for Default Judgment (the "Heslin/Lewis Default Judgments," attached hereto as Exhibit 7), Case No. D-1-GN-18-001835, 2-3 (Sept. 27, 2021; Oct. 27, 2021).

¹²⁸ Under Texas law, entry of a default judgment conclusively establishes the facts alleged in a plaintiff's complaint. *Stoner v. Thompson*, 578 S.W.2d 679, 684 (Tex. 1979) ("A default judgment admits facts which are properly alleged."); *see also, Fitz v. Toungate*, 419 S.W.2d 708, 709 (Tex. App.-Austin 1967) (finding that the facts alleged were established by the default judgment); *Harris Cnty. Water Control and Improvement Dist. No. 84 v. Hornberger*, 601 S.W.2d 66, 68 (Tex. App.-Houston 1980) (finding plaintiff's allegations sufficient to apprise the defendant of the main contentions and thus were established by default judgment).

¹²⁹ Heslin/Lewis Petition ¶ 92.

¹³⁰ *Id.* ¶ 104.

“knowing they would cause severe emotional distress,”¹³¹ that the Debtors “knew and intended for Plaintiffs to suffer emotional distress” in a “five-year campaign of willful lies and malicious harassment,”¹³² and that “Plaintiffs and their family have been specifically targeted in this campaign of harassment.”¹³³

66. During the damages trial, the Debtors broadcast InfoWars segments claiming the trial was rigged and featuring a photo of the judge in flames.¹³⁴ Jones continued his lies, this time in the courtroom. Jones’s testimony was such a blatant farce that the judge instructed him as follows:

You’re also under oath to tell the truth. You’ve already violated that oath twice today in just those two examples. It seems absurd to instruct you again that you must tell the truth while you testify, yet here I am: You must tell the truth while you testify....You are under oath. That means things must actually be true when you say them.¹³⁵

67. After a nine-day damages trial, in which Jones admitted that the Sandy Hook shooting was “100% real,”¹³⁶ a jury was tasked with determining the appropriate amount of damages for Plaintiffs’ defamation and intentional infliction of emotional distress claims. With regard to defamation, the Charge of Court instructed jurors that the Debtors “published statements that were false and defamatory” and “knew the statements were false” or had “a high degree of

¹³¹ *Id.* ¶ 101.

¹³² *Id.* ¶¶ 107, 109.

¹³³ *Id.* ¶ 13.

¹³⁴ Associated Press, *Alex Jones concedes that the Sandy Hook attack was ‘100% real’*, NPR Online (Aug. 3, 2022, 2:16 PM), <https://www.npr.org/2022/08/03/1115414563/alex-jones-sandy-hook-case>.

¹³⁵ Aug. 2, 2022 Heslin/Lewis Trial Tr. Vol. 6, 202:5-10.

¹³⁶ July 27, 2022 Heslin/Lewis Trial Tr. Vol. 2, 16:24.

awareness that they were probably false, to an extent that [the Debtors] in fact had serious doubts as to the truth of the statements.”¹³⁷

68. With regard to the intentional infliction of emotional distress claim, the Charge of Court instructed jurors that the Debtors “committed intentional infliction of emotional distress against Neil Heslin and Scarlett Lewis in a continuing course of conduct from 2013 to 2018.”¹³⁸ Moreover the Charge of Court characterized Debtors’ conduct as “so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency and to be regarded as atrocious and utterly intolerable in a civilized community.”¹³⁹

69. Based on these instructions, the jury awarded Mr. Heslin and Ms. Lewis more than \$4 million in compensatory damages and \$45 million in exemplary damages.¹⁴⁰

iii. The Pozner/De La Rosa Action

70. Leonard Pozner and Veronique De La Rosa also filed a lawsuit against Jones and FSS on April 16, 2018 for, among other things, defamation and defamation *per se*, conspiracy, and intentional infliction of emotional distress.¹⁴¹ Here too, the court entered a default judgment, which found Debtors “unreasonably and vexatiously failed to comply with their discovery duties” and engaged in a “general bad faith approach to litigation,” including by referring to the proceedings

¹³⁷ See *Heslin v. Jones*, Case No. D-1-GN-18-001835, Charge of the Court, 4 (Aug. 3-4, 2022) (the “**Heslin/Lewis Compensatory Damages Jury Charge**,” attached hereto as Exhibit 8); *Heslin v. Jones*, Case No. D-1-GN-18-001835, Charge of the Court, 4 (Aug. 5, 2022) (the “**Heslin/Lewis Exemplary Damages Jury Charge**,” attached hereto as Exhibit 9).

¹³⁸ See Heslin/Lewis Compensatory Damages Jury Charge 6; Heslin/Lewis Exemplary Damages Jury Charge 6.

¹³⁹ *Id.*

¹⁴⁰ *Heslin v. Jones*, Case No. D-1-GN-18-001835, Final Judgment (Jan. 12, 2023) (attached hereto as Exhibit 10).

¹⁴¹ Pozner/De La Rosa Petition ¶¶ 60-93.

as “show trials.”¹⁴² As in the Heslin/Lewis Action, the default judgment means that the allegations in the Pozner/De La Rosa Petition are established. It is thus established that the Debtors intentionally inflicted emotional distress on Mr. Pozner and Ms. De La Rosa with their defamatory statements, which were “designed to harm the Plaintiffs’ reputation and subject the Plaintiffs to public contempt, disgrace, ridicule or attack” and were made “in bad faith and with malicious motives.”¹⁴³

71. While the Pozner/De La Rosa Action was initially scheduled for a damages trial in the summer of 2022, Mr. Pozner and Ms. De La Rosa have not yet had an opportunity to tell their story to a jury because of the Debtors’ conveniently timed bankruptcy filings.

G. *The Debtors Abused the Bankruptcy System to Avoid the Consequences of Their Lies About Plaintiffs.*

72. The Debtors first used the threat of bankruptcy in an effort to coerce Plaintiffs into settling their claims. On April 17, 2022, a week before the Heslin/Lewis trial was set to begin, Jones filed subchapter V petitions for three shell companies, InfoW, LLC, IWHealth, LLC and Prison Planet TV, LLC (collectively the “**InfoWars Debtors**”), which were defendants in the Texas Actions.¹⁴⁴ Within hours of these chapter 11 filings, the Texas Actions were stayed against all defendants, including the Debtors.¹⁴⁵ Shortly after the trial was delayed, Mr. Heslin heard gunshots and someone yelling “Alex Jones” outside of his home.¹⁴⁶

¹⁴² *Pozner v. Jones.*, Amended Order on Plaintiffs’ Motion to Compel and Motion for Sanctions (the “**Pozner/De La Rosa Default Judgment**,” attached hereto as Exhibit 12), Case No. D-1-GN-18-001842, 2, 5 (Oct. 15, 2021).

¹⁴³ Pozner/De La Rosa Petition ¶¶ 68, 85.

¹⁴⁴ See *In re InfoW, LLC, et al.*, Case Nos. 22-60020, 22-60021, and 22-60022 (Bankr. S.D. Tex. 2022).

¹⁴⁵ See *In re Alexander E. Jones*, Case No. 22-33553 (CML), Leonard Pozner and Veronique De La Rosa’s Motion for Relief From the Automatic Stay Against Alexander E. Jones ¶ 16 [Docket No. 113] (the “**Pozner/De La Rosa Lift Stay Motion**”).

¹⁴⁶ Aug. 2, 2022 Heslin/Lewis Trial Tr. 45:1-3.

73. The U.S. Trustee promptly recognized this abuse of the bankruptcy system and moved to dismiss the case, arguing that “Alex Jones and FSS hand-picked these three holding companies for bankruptcy as part of a scheme engineered solely to limit their own legal liability, to deny parties in interest a full accounting of their assets, and to deny individuals their day in court and imminent recovery for established liability.”¹⁴⁷ In an effort to move forward with their damages trials, Plaintiffs nonsuited their claims against the InfoWars Debtors and obtained remand.¹⁴⁸ Having achieved their goal, the InfoWars Debtors then agreed to dismiss the chapter 11 cases.¹⁴⁹

74. The filing of the InfoWars Debtors successfully delayed the Texas Actions. The Heslin/Lewis trial was rescheduled for July 2022 and the Pozner/De La Rosa trial was set for September 2022.¹⁵⁰ However, four days after the Heslin/Lewis trial began, FSS filed its subchapter V petition, staying all of the actions again.¹⁵¹ The timing of the FSS filing not only served to delay the pending actions but also allowed FSS to file under Subchapter V of the Bankruptcy Code—a provision meant to protect small business debtors—which FSS would no longer qualify for once the jury awarded damages days later. Because the Heslin/Lewis trial was already underway, FSS sought emergency relief allowing the action to continue to final judgment. The plaintiffs in the Connecticut Action also successfully moved to lift the automatic stay to allow their trial to

¹⁴⁷ *In re InfoW, LLC*, Case No. 22-60020, Docket No. 50 at 16 (Bankr. S.D. Tex. Apr. 29, 2022).

¹⁴⁸ Pozner/De La Rosa Lift Stay Motion ¶ 19.

¹⁴⁹ *Id.* ¶ 20.

¹⁵⁰ Pozner/De La Rosa Lift Stay Motion ¶ 22.

¹⁵¹ *Id.* ¶ 23.

advance. However, given their trial schedules, the Pozner/De La Rosa Action and the Fontaine Action were again stayed.¹⁵²

75. In the middle of the Heslin/Lewis trial, Jones previewed his strategy of using the bankruptcy process to further obstruct the state court proceedings. On an August 1, 2022, InfoWars broadcast, he told his audience his plan: “With appeals and the rest of it, for years—hundreds of millions of dollars—that’s why they do this. So they’ll come up with some giant judgment on the already guilty Alex Jones that they hope is too big to even get a bond on. Well, once you’re in bankruptcy, it’s all there in the court and the bonds for the appeals are half your net worth. Well, that isn’t going to be very, very much. Maybe a million, million and a half dollars or something. But it’s not true. So we will be able to continue on and we will be able to fight these kangaroo courts.”¹⁵³

76. Shortly after the jury awarded damages in the Connecticut Action, Jones called the judgment against him “hilarious” and told his audience he would use the bankruptcy process to avoid the judgment, declaring: “I intend to use the bankruptcy as a vehicle to settle these cockamamie cases and all the rest of this.”¹⁵⁴ He solicited donations from his audience to aid in his quest: “Literally, for hundreds of thousands of dollars, I can keep them in court for years....So

¹⁵² *Id.*

¹⁵³ Ron Filipkowski (@RonFilipkowski), Twitter (Aug. 1, 2022, 11:27 AM), https://twitter.com/RonFilipkowski/status/1554126697733267469?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetemb%7Ctwterm%5E1554126697733267469%7Ctwgr%5Ebb6ed4eeb2f3c003dc99f090f57ce5110f24569a%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fwww.huffpost.com%2Fentry%2Falex-jones-bankruptcy-scheme-sandy-hook-damages_n_62e851c7e4b07f8376723771.

¹⁵⁴ See Alex Jones, *Alex Jones Launches His New Subscriber Platform*, Alex Jones Live (15:42), available at <https://alexjones.live/play/special-reports/alex-jones-explains-his-vision-with-new-subscriber-platform>.

please go to infowarsstore.com and get vitaminaler fusion, get x3, get all the great products that are there that keep us on air at infowarsstore.com.”¹⁵⁵

77. In December 2022, the court set a new trial date for the Pozner/De La Rosa Action for March 27, 2023. But mere days later, and as promised, Jones filed for bankruptcy in his personal capacity, triggering yet another automatic stay and again denying Mr. Pozner and Ms. De La Rosa their day in court.¹⁵⁶

78. As demonstrated below, the Debtors should not receive a discharge from their debts for willful and malicious injury of the Plaintiffs.

CAUSES OF ACTION

79. Section 523(a)(6) of the Bankruptcy Code excepts from discharge any debt “for willful and malicious injury by the debtor to another entity or the property of another entity.”¹⁵⁷ To establish “willful and malicious injury,” Plaintiffs must show “either an objective substantial certainty of harm or a subjective motive to cause harm” on the part of the debtor.¹⁵⁸

COUNT ONE

(Declaratory Judgment That The Heslin/Lewis Final Judgment Is Nondischargeable Under Section 523(a)(6))

80. Plaintiffs repeat, incorporate, and reallege each and every allegation contained above as if fully set forth herein.

¹⁵⁵ The Recount (@therecount), Twitter (Oct. 12, 2022, 4:13 PM), https://twitter.com/therecount/status/1580290464523198465?ref_src=twsrctfw%7Ctwcamp%5Ctweetembed%7Ctwterm%5E1580290464523198465%7Ctwgr%5E7734d143366654a1234c83a2e14aabf45c09b268%7Ctwcon%5Esl_&ref_url=https%3A%2F%2Fwww.vanityfair.com%2Fnews%2F2022%2F10%2Falex-jones-sandy-hook-965-million-settlement.

¹⁵⁶ Pozner/De La Rosa Petition at ¶ 24.

¹⁵⁷ 11 U.S.C. § 523(a)(6).

¹⁵⁸ *In re Williams*, 337 F.3d 504, 509 (citing *Miller v. J.D. Abrams, Inc. (In re Miller)*, 156 F.3d 598, 603 (5th Cir. 1998)).

81. The Debtors' obligations to Mr. Heslin and Ms. Lewis are nondischargeable under Section 523(a)(6) because there was an objective certainty of harm when Jones told millions of viewers over and over and over again that Plaintiffs are paid actors trying to take American's guns, that Mr. Heslin never held his dead son, that their son never even existed, and other lies regarding the Sandy Hook shooting.

82. The trial court record conclusively established that the Debtors defamed and intentionally inflicted emotional distress on Mr. Heslin and Ms. Lewis, that they "knew the statements were false" or had "a high degree of awareness that they were probably false, to an extent that [they] in fact had serious doubts as to the truth of the statements," and that the Debtors acted "intentionally or recklessly with extreme and outrageous conduct" that was "so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency and to be regarded as atrocious and utterly intolerable in a civilized society." The Debtors are precluded from arguing otherwise.

83. Accordingly, Plaintiffs request a judicial determination that the damages awarded in the Heslin/Lewis Final Judgment are not dischargeable under Section 523(a)(6) of the Bankruptcy Code.

COUNT TWO

(Declaratory Judgment That Damages Arising Out Of The Pozner/De La Rosa Action Are Nondischargeable Under Section 523(a)(6))

84. Plaintiffs repeat, incorporate, and reallege each and every allegation contained above as if fully set forth herein.

85. The Debtors' debt for the claims asserted in the Pozner/De La Rosa Action is nondischargeable under Section 523(a)(6) because there was an objective certainty of harm when Jones broadcast to his audience of millions dozens of times that Plaintiffs lied about the death of

their son, that Mr. Pozner, Ms. De La Rosa, and Noah were *all* actors, that Noah “died again” in Pakistan, and other lies regarding the Sandy Hook shooting.

86. The default judgment entered against the Debtors conclusively established the facts alleged in the Pozner/De La Rosa Petition, including that the Debtors defamed and intentionally inflicted emotional distress on Mr. Pozner and Ms. De La Rosa, that the false statements were “designed to harm the Plaintiffs’ reputation and subject the Plaintiffs to public contempt, disgrace, ridicule or attack,” and that they were made “in bad faith and with malicious motives.” The Debtors are precluded from arguing otherwise.

87. Accordingly, Plaintiffs request a judicial determination that any damages awarded in the Pozner/De La Rosa Action are not dischargeable under Section 523(a)(6) of the Bankruptcy Code.

COUNT THREE

(Declaratory Judgment That Damages Arising Out Of The Fontaine Action Are Nondischargeable Under Section 523(a)(6))

88. Plaintiffs repeat, incorporate, and reallege each and every allegation contained above as if fully set forth herein.

89. Debtors’ debt for the claims asserted in the Fontaine Action is nondischargeable because there was an objective certainty of harm when the Debtors broadcast Marcel’s photo to the world and convinced them he was a mass murderer. If not for the Debtors’ continued obstruction of the state court actions, Marcel, who was the first party to file a lawsuit against the Debtors, would have a liquidated claim by now. But his claims need not be liquidated to be nondischargeable. The record is clear. FSS defamed Marcel by broadcasting his photo to the InfoWars audience claiming he was a mass murderer. The Debtors knew they were lying. Marcel

pleaded with the Debtors to set the record straight but they refused, allowing their lie to spread to millions more people.

90. Accordingly, Plaintiffs request a judicial determination that any damages awarded in the Fontaine Action are not dischargeable under Section 523(a)(6) of the Bankruptcy Code.

PRAYER FOR RELIEF

91. Plaintiffs respectfully request that the Court enter declaratory judgment:

- a) excepting from discharge Jones's and FSS's indebtedness to Neil Heslin and Scarlett Lewis, as set forth in Count 1 pursuant to 11 U.S.C. § 523(a)(6);
- b) excepting from discharge Jones's and FSS's indebtedness to Leonard Pozner and Veronique De La Rosa, as set forth in Count 2 pursuant to 11 U.S.C. § 523(a)(6);
- c) excepting from discharge FSS's indebtedness to the Estate of Marcel Fontaine, as set forth in Count 3 pursuant to 11 U.S.C. § 523(a)(6); and
- d) granting Plaintiffs such other and further relief as this Court deems just and proper.

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/s/ Jennifer J. Hardy

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